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-- REMARKS --

In the Non-Final Office Action, Examiner Williams rejected and objected to pending claims 1-23 on various grounds. The Applicants respond to each ground of rejection and objection as subsequently recited herein, and respectfully requests reconsideration and further examination of the present application under 37 CFR § 1.116:

- A. Examiner Williams objected to claims 33 and 34 for being duplicates of each other and reciting "includes further includes"

The Applicants have amended claims 33 and 34 as well as claims 27 and 28 to distinguish the subject matter recited by claims 33 and 34 and claims 27 and 28, and to removes the first recitation of includes in "includes further includes". Withdrawal of the objection of claims 33 and 34 is therefore respectfully requested.

- B. Claims 13, 17, 21, 29 and 32-34 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,788,028 to *Bieber*

The Applicants have thoroughly considered Examiner Williams's remarks concerning the patentability of independent claims 13, 17, 21 and 29 over *Bieber*. The Applicants have also thoroughly re-read *Bieber*. To warrant this anticipation rejection, *Bieber* must show each and every element set forth in independent claims 13, 17, 21 and 29 in as complete detail as is contained in independent claims 13, 17, 21 and 29. See, MPEP §2131. The Applicants respectfully traverse this anticipation rejection of independent claims 13, 17, 21 and 29, because *Bieber* fails to disclose, teach or suggest:

1. "determining a scale factor and an offset value as a function of an operating temperature of the damper and a relative velocity of the damper" and "providing a second operating current to the damper in response to a

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determination of the scale factor and the offset value" in as complete detail as is contained in independent claim 13;

2. "a second module operable to determine a scale factor and an offset value as a function of an operating temperature of the damper and a relative velocity of the damper, said second module is further operable to provide a second operating current to the damper in response to a determination of the scale factor and the offset value" in as complete detail as is contained in independent claim 17;

3. "wherein said controller is operable to determine a scale factor and an offset value as a function of an operating temperature of the damper and a relative velocity of the damper", and "wherein said controller is operable to provide the first operating current to the damper in response to a determination of the scale factor and the offset value" in as complete detail as is contained in independent claim 21; and

4. "a second module operable to determine a set of scale factors and a set of offset values as a function of an operating temperature of said damper, and a third module operable to determine a scale factor of the set of scale factors and an offset value of the set of offset values as a function of a relative velocity of said damper" in as complete detail as is contained in independent claim 29.

Specifically, *Bieber* discloses and claims the generation of three (3) signals. The first signal is generated as an indication of a determination of a desired damping level for a shock absorber (i.e., the first operating current of recited in independent claims 13, 17, 21 and 29). The second signal is generated as an indication of a

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determination of an estimated temperature of the hydraulic fluid within the shock absorber (i.e., the operating temperature of the damper as claimed in claims 13, 17, 21 and 29). The third signal is generated as an indication of a temperature compensation factor that is based on the estimated temperature of the hydraulic fluid within the shock absorber as indicated by the second signal (i.e., the "scale factor" or the "offset value" recited in independent claims 13, 17, 21 and 29, but not both). See, Bieber at column 3, line 27 to column 6, line 45.

A review of *Bieber* clearly reveals that *Bieber* fails to disclose, teach or suggest one or more temperature compensation factors in addition to the temperature compensation factor indicated by the third signal that is a function of the estimated temperature of the hydraulic fluid as indicated by the second signal. Thus, whether you associate the temperature compensation factor indicated by the third signal of *Bieber* to the "scale factor" recited in independent claims 13, 17, 21 and 29, or to the "offset value" recited in independent claims 13, 17, 21 and 29, *Bieber* clearly fails to disclose, teach or suggest two distinct temperature compensation factors in the form of both a "scale factor" and an "offset value".

The Applicants respectfully request a withdrawal of the rejection of independent claims 13, 17, 21 and 29 under 35 U.S.C. §102(b) as being anticipated by *Bieber*.

Claims 32-34 depend from independent claim 29. Therefore, dependent claims 32-34 include all of the elements and limitations of independent claim 29. It is therefore respectfully submitted by the Applicant that dependent claims 32-34 are allowable over *Bieber* for at least the same reason as set forth herein with respect to independent claim 29 being allowable over *Bieber*. Withdrawal of the rejection of dependent claims 32-34 under 35 U.S.C. §102(b) being anticipated by *Bieber* is therefore respectfully requested.

- C. Claims 14, 15, 18, 19, 22, 23, 30 and 31 were objected to as being dependent upon a rejected base claim, but allowable if rewritten in independent from including all of the limitations of the base claim and any intervening claim.

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The Applicants therefore have (1) rewritten claims 14 and 15 in independent form including all of the limitations of independent claim 13, (2) rewritten claims 18 and 19 in independent form including all of the limitations of independent claim 17, (3) rewritten claims 22 and 23 in independent form including all of the limitations of independent claim 21, and (4) rewritten claims 30 and 31 in independent form including all of the limitations of independent claim 29. Withdrawal to the objection of claims 14, 15, 18, 19, 22, 23, 30 and 31 is therefore respectfully requested.

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SUMMARY

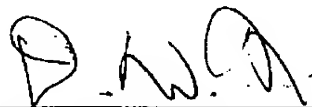
Examiner Williams' 35 U.S.C. §102(b) rejection and objections have been obviated by the amendment herein of claims 14, 15, 18, 19, 22, 23, 27, 28, 30, 31, 33, and 34, and the remarks herein relating to the patentability of claims 13, 17, 21, 29 and 32-34 over *Bieber*. The Applicants respectfully submit that claims 12-34 fully satisfy the requirements of 35 U.S.C. §§ 102, 103 and 112. In view of the foregoing amendments and remarks, favorable consideration and early passage to issue of the present application are respectfully requested. If any points remain in issue that may best be resolved through a personal or telephonic interview, Examiner Williams is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Dated: June 18, 2003

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